

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
EVERTON BAILEY	:	VIOLATIONS:
	:	8 U.S.C. § 1326(a)(reentry after
	:	deportation-1 count)
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute marijuana - 1 count)
	:	18 U.S.C. § 924(c)(1) (possession of a
	:	firearm in furtherance of a drug
	:	trafficking offense - 1 count)
	:	18 U.S.C. § 922(g)(5) (possession of a
	:	firearm by an illegal alien -- 1 count)
	:	18 U.S.C. § 922(g)(1) (convicted felon in
	:	possession of a firearm - 1 count)
	:	Notice of forfeiture

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about February 17, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

EVERTON BAILEY,

an alien and a citizen and native of Jamaica, who had previously been deported from the United States on two occasions, that is, (1) on or about October 31, 1995, and (2) on or about June 9, 2003, was found in the United States, having knowingly and unlawfully re-entered the United States without first applying to the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4) and 557), for

permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Section 1326(a), (b)(2).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 17, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

EVERTON BAILEY

knowingly and intentionally possessed with intent to distribute approximately 255 grams of a mixture and substance containing a detectable amount of marijuana, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 17, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

EVERTON BAILEY

knowingly possessed a firearm, that is, one Norinco SKS- type rifle, 7.62 x 39 caliber, serial number 23015820, loaded with 12 live rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 17, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

EVERTON BAILEY,

while being an alien and a citizen and native of Jamaica illegally and unlawfully in the United States, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, one Norinco SKS- type rifle, 7.62 x 39 caliber, serial number 23015820, loaded with 12 live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(5)(A).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 17, 2006, in Philadelphia, in the Eastern District of Pennsylvania, defendant

EVERTON BAILEY,

having been convicted in a court of the State of Florida of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, one Norinco SKS- type rifle, 7.62 x 39 caliber, serial number 23015820, loaded with 12 live rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(a)(1) set forth in this indictment, defendant

EVERTON BAILEY

shall forfeit to the United States of America the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) one Norinco SKS- type rifle, 7.62 x 39 caliber, serial number 23015820, loaded with 12 live rounds of ammunition .

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney